

State Appellate Public Defender

Analyst: Holland-Smith

Historical Summary

OPERATING BUDGET	FY 2003 Total App	FY 2003 Actual	FY 2004 Approp	FY 2005 Request	FY 2005 Gov Rec
BY FUND CATEGORY					
General	1,217,700	1,175,100	1,228,800	1,358,400	1,262,900
Percent Change:		(3.5%)	4.6%	10.5%	2.8%
BY OBJECT OF EXPENDITURE					
Personnel Costs	969,100	861,900	983,000	1,009,200	1,018,200
Operating Expenditures	246,300	255,500	245,800	349,200	244,700
Capital Outlay	2,300	57,700	0	0	0
Total:	1,217,700	1,175,100	1,228,800	1,358,400	1,262,900
Full-Time Positions (FTP)	15.00	15.00	15.00	15.00	15.00

Division Description

The Office of the State Appellate Public Defender was created in 1998 by House Bill 840 during the Fifty-Fourth Idaho Legislature. The intent of the legislation was to create a Capital Crimes Defense Fund to help defray the cost of capital litigation at the trial level for Idaho counties. Additionally, the intent of the legislation was to create the Office of the State Appellate Public Defender to reduce the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly for first-degree murder, which had been an expensive and unpredictable burden on the counties. In addition, there had developed the perception that because of the different degree with which some counties could respond financially to this demand, it was possible that justice could be pursued unevenly throughout the state. The services of the State Appellate Public Defender are only available to those counties who participate in the Capital Crimes Defense Fund. The State Appellate Public Defender provides services in the following areas:

- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

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Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2004 Original Appropriation	15.00	1,228,800	1,228,800	15.00	1,228,800	1,228,800
FY 2005 Base	15.00	1,228,800	1,228,800	15.00	1,228,800	1,228,800
Personnel Cost Rollups	0.00	17,500	17,500	0.00	17,500	17,500
Inflationary Adjustments	0.00	3,800	3,800	0.00	0	0
Nonstandard Adjustments	0.00	(400)	(400)	0.00	(1,100)	(1,100)
Change in Employee Compensation	0.00	8,700	8,700	0.00	17,700	17,700
FY 2005 Program Maintenance	15.00	1,258,400	1,258,400	15.00	1,262,900	1,262,900
1. Death Penalty Cases	0.00	100,000	100,000	0.00	0	0
FY 2005 Total	15.00	1,358,400	1,358,400	15.00	1,262,900	1,262,900
Change from Original Appropriation	0.00	129,600	129,600	0.00	34,100	34,100
% Change from Original Appropriation		10.5%	10.5%		2.8%	2.8%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2004 Original Appropriation	15.00	1,228,800	0	0	1,228,800
FY 2005 Base					
Agency Request	15.00	1,228,800	0	0	1,228,800
Governor's Recommendation	15.00	1,228,800	0	0	1,228,800

Personnel Cost Rollups

Includes the employer-paid portion of estimated changes in employee benefit costs. The two biggest factors are: health insurance rates which are projected to increase by 17 percent, from \$5,548 to \$6,493 per employee; and retirement system (PERSI) rates that will increase by over 6% to 10.39 and 10.73 percent of salary for regular and police/firefighter members, respectively.

Agency Request	0.00	17,500	0	0	17,500
Governor's Recommendation	0.00	17,500	0	0	17,500

Inflationary Adjustments

Includes a general inflationary increase of 1.9% in operating expenditures payments.

Agency Request	0.00	3,800	0	0	3,800
<i>The Governor recommends no increase for general inflation.</i>					
Governor's Recommendation	0.00	0	0	0	0

Nonstandard Adjustments

The Statewide Cost Allocation Plan assesses state agencies for their actual use of Attorney General, State Controller and State Treasurer services. State Controller fees are reduced by \$900 and State Treasurer fees by \$200. Also, the lease payment for office space will increase by \$700 in FY 2005.

Agency Request	0.00	(400)	0	0	(400)
<i>Increase for space lease of \$700 is not recommended.</i>					
Governor's Recommendation	0.00	(1,100)	0	0	(1,100)

Change in Employee Compensation

Reflects the cost of a 1% salary increase for permanent and group positions.

Agency Request	0.00	8,700	0	0	8,700
<i>The Governor recommends a compensation increase of 2% to be distributed based on merit. No adjustment to the pay line is recommended.</i>					
Governor's Recommendation	0.00	17,700	0	0	17,700

FY 2005 Program Maintenance					
Agency Request	15.00	1,258,400	0	0	1,258,400
Governor's Recommendation	15.00	1,262,900	0	0	1,262,900

1. Death Penalty Cases

The agency is requesting ongoing funding to deal with additional death penalty cases in FY 2005. Because of the recent Supreme Court ruling in *Ring v. Arizona* (challenging a death penalty sentence not imposed by a jury) several defendants have been ordered to have new sentencing hearings rather than the more expensive post-conviction hearing. This has permitted the Office to operate within the budget constraints of FY 2003 and FY 2004. The SAPD does not anticipate these conditions to continue. In addition to having an extremely complex case with the post conviction case of the State of Idaho v. Shackelford, the new state death penalty statute requires sentencing immediately following the finding of guilt, thus having an immediate fiscal impact on the Office.

Agency Request	0.00	100,000	0	0	100,000
<i>Not recommended.</i>					
Governor's Recommendation	0.00	0	0	0	0

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2005 Total					
Agency Request	15.00	1,358,400	0	0	1,358,400
<i>Governor's Recommendation</i>	<i>15.00</i>	<i>1,262,900</i>	<i>0</i>	<i>0</i>	<i>1,262,900</i>
Agency Request					
Change from Original App	0.00	129,600	0	0	129,600
% Change from Original App	0.0%	10.5%			10.5%
<i>Governor's Recommendation</i>					
<i>Change from Original App</i>	<i>0.00</i>	<i>34,100</i>	<i>0</i>	<i>0</i>	<i>34,100</i>
<i>% Change from Original App</i>	<i>0.0%</i>	<i>2.8%</i>			<i>2.8%</i>

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Issues & Information

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Organizational Chart

